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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/089,011 06/02/98 BANSAL

P 2-9

EXAMINER

TM02/0619

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ALVAREZ, R

ART UNIT

PAPER NUMBER

2162

DATE MAILED:

06/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/089,011

Applicant(s)

BANSAL ET AL.

Examiner

Raquel Alvarez

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

1. Claims 1-35 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 17, 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Conmy et al.(6,101,480 hereinafter Conmy).

With respect to claims 1, 17 and 30-32, Conmy teaches a method for managing a scheduling system(Abstract). Receiving information about an appointment from a user (col. 3, lines 27-30); receiving information about an attendee associated with the appointment, including attendee notification information (col. 3, lines 27-6);determining meeting status information (col. 3, lines 57-65); automatically generating an attendee notification message using the attendee notification information based on the meeting status information(Figure 3); and receiving a response to the attendee notification message from an attendee, the response changing the time of the appointment (i.e. the attendee can change the time of the meeting or appointment by choosing any of the recommended alternative meeting times)(see Figure 5).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-9, 12-16, 18-23, 29, 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conmy in view of Jones et al.(5,400,020 hereinafter Jones) .

With respect to claims 2 and 34, Jones teaches automatically generating an attendee notification message when the status indication information indicates that the user will be late for the appointment(col. 7, lines 4-32). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Conmy of automatically generating an attendee notification message when the status indication information indicates that the user will be late for an appointment because such a modification would allow the attendee to know in advance that the user is going to be late.

Claim 3 further recites that the attendee notification information is a telephone number and said step of generating is performed by generating an audio message.

Since, Conmy teaches generating the notification information is performed in step 110, the system sends an invitation to the invitees to attend the event by electronic mail using the address stored for each invitee and since Jones teaches the notification information is via a telephone and said step of generating is performed by generating an audio message(col.4, lines 46-60) then it would have been obvious to a person of

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ordinary skill in the art at the time of Applicant's invention to have included sending the notification information to the attendee via telephone by generating an audio message because such a modification would provide different user's preferences and choices of implementation.

With respect to claim 4, Conmy further teaches that the attendee notification is performed by generating an electronic mail message. the notification information is performed in step 110, the system sends an invitation to the invitees to attend the event by electronic mail using the address stored for each invitee.

With respect to claim 5, Conmy further teaches that the status information is received from a computer through a communication network (Figures 1-9).

With respect to claims 6 and 7, Jones teaches receiving the information through a wireless telephone network(col. 2, lines 40-56). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included receiving the information from a wireless telephone through a communication network because such a modification would provide portability.

With respect to claim 8, Jones teaches receiving user location information(i.e. The bus location at a particular time could then be compared with scheduled locations and scheduled times in order to determine whether the bus 19 is early or late and by what amount(col. 5, lines 65-, col. 6, lines 1-11); deciding if the user will be late for the appointment based on the appointment time information, the appointment location

information, the user location information and time associated with the user location information (col. 2, lines 40-56; col. 3, lines 65-, col. 4, lines 1-27; col. 6, lines 27-68). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Jones of receiving user location information and deciding if the user will be late based on the user's location because such a modification would allow the invitee to know in advance if the user is going to be late.

With respect to claim 9, Jones teaches calculating a travel distance based on the appointment location information and the user location information (col. 7, lines 4-11); calculating a time of arrival based on the time associated with the user location information, the travel distance and a travel velocity (col. 5, lines 30-45); and comparing the calculated time of arrival with the appointment time information (col. 2, lines 40-56; col. 3, lines 65-, col. 4, lines 1-27; col. 6, lines 27-68). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included comparing the time of arrival with the appointment information because such a modification would enabled the system to determine if the user is going to be late.

With respect to claim 12, the limitations were previously address in the rejections to claims 5-7 and therefore is rejected under similar rationale.

With respect to claim 13, Conmy further teaches sending the attendee notification message to the attendee (Figure 3).

The limitations of claims 14 and 18-19 were previously addressed in the

rejection to claim 2 and therefore the claims are rejected under similar rationale.

With respect to claim 15, Jones teaches comparing the calculated time of arrival with the appointment time information and a predetermined fixed period of time(Figures 4-7). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included comparing the calculated time of arrival with the appointment time because such a modification would allow the attendee of Conmy to know if the user is going to be late.

Claims 16 and 29 differ from claims 14, 18 and 19 above in that it further recite that the scheduling unit is coupled to the scheduler database(in Conmy Figure 2).

With respect to claim 20, Jones teaches receiving user location information(i.e. The bus location at a particular time could then be compared with scheduled locations and scheduled times in order to determine whether the bus 19 is early or late and by what amount(col. 5, lines 65-, col. 6, lines 1-11); deciding if the user will be late for the appointment based on the appointment time information, the appointment location information, the user location information and time associated with the user location information (col. 2, lines 40-56; col. 3, lines 65-, col. 4, lines 1-27; col. 6, lines 27-68). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included receiving user location information and deciding if the user will be late based on the user's location because such a modification would allow the invitee of Conmy to know in advance if the user is going to be late.

With respect to claim 21, Jones further teaches that the user location information is generated by a global positioning satellite receiver (col. 6, lines 1-11). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included generating the user location information by a global positioning satellite receiver because such a modification would enable the system of Conmy to determine where the user is situated on any given time.

Claim 22 further recites that the location information is calculated from an automatic identification number. Official notice is taken that is old and well known to use caller ID to automatically identify the location that the person is calling from. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included calculating the location information from a device such as caller ID because such a modification would save time by identify the location of the caller without the need to interchange much information.

With respect to claim 23, Conmy further teaches that the status information is received from a computer through a communication network (Figures 1-9).

Claim 33 further recites that the response from the attendee can be received by page, facsimile or e-mail. Conmy teaches that the attendee response can be received by e-mail and since facsimile and page like e-mails are well known methods of sending and receiving information then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included page and facsimiles because such a modification would allow the user to choose their preferred method of implementation.

Claim 34 further recites that the steps are performed by a personal digital assistant(PDA). Official notice is taken that PDA are well known lightweight palmtop computers designed to provide specific functions such as personal calendar organization. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included implementing the steps on a personal digital assistant because such a modification would provide portability.

3. Claims 10-11 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conmy in view of Jones further in view of Tognazzini(5,790,974 hereinafter Tognazzini).

With respect to claims 10 and 24, the combination of Conway and Jones teach calculating the travel distance based on the appointment location information, the user location information(In Jones col. 5, lines 30-, col. 7, lines 1-32). The combination of Conway and Jones do not specifically teach receiving map information from a database and adjusting the travel distance based on the mapping information. On the other hand, Tognazzini teaches receiving map information from a mapping database to adjust travel distance (Figures 4B-4C). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included adjusting the travel distance based on the mapping information because such a modification would provide optimal travel route to the use(in Tognazzini col. 2, lines 38-, col. 3, lines 1-2).

Claims 11, 25-27 further recites receiving environment information wherein the environment information is weather and traffic information and adjusting the travel velocity based on that information. Since, The combination of Conmy, Jones and

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Tognazzini teaches adjusting the travel velocity based on the traffic information(in Tognazzini, col.14, lines 62-, col. 15, lines 1-2) then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to adjust the travel velocity based on weather information because weather like traffic conditions are known facts that would delay one's travels.

Claim 28 further recites adjusting travel velocity based on airline information, for purpose of determining if the user is going to be late for the appointment. Since, the combination of Conmy , Jones and Tognazzini teaches adjusting the travel velocity based on the traffic information(in Tognazzini, col. 14, lines 62-, col. 15, lines 1-2) then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included airline traffic as part of the traffic information of Tognazzini because such a modification would allow the system to determine if the user is going to be late if the user chooses to travel by road or airplane. .

Response to Arguments

With regard to the examiner's use of Official Notice, applicant asserts that "none of these propositions in connection with scheduling systems as disclosed in the present application was known to those skilled in the art " but this is not relevant to the use of Official Notice. While applicant may challenge the examiner's use of Official Notice, the rejection should be considered as a whole . See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986) and see MPEP 2144.03 where *In re Boon* is mentioned.

Applicant's arguments with respect to the combination of Jones and McGaughey were considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

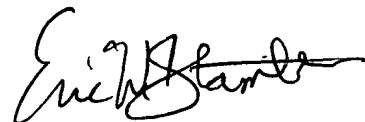
Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (703)305-0456. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w Stamber can be reached on (703)305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-0040 for regular communications and (703)305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

R.A.
June 15, 2001


ERIC W. STAMBER
PRIMARY EXAMINER